

for filing a separate petition for waiver in the present application.

However, in an abundance of caution, Applicants hereby submit a conditional petition under 37 CFR 1.183 for waiver of the requirements of 37 CFR 1.84, along with a proposed amendment to the specification pursuant to MPEP 608.02 (Color Drawings). If it is deemed that a separate petition is required, authorization is hereby given to charge the required fee of \$130.00 for filing this petition to Deposit Account No. 20-1430 (a duplicate of this conditional petition is enclosed for accounting purposes).

In conjunction with the above conditional petition for waiver, Applicants enclose herewith five sets of formal drawings, including the color drawings, which also incorporate the corrections and/or changes specified in the Notice of Draftsman's Patent Drawing Review attached to Paper No. 7 and referred to in the Notice of Allowability mailed January 10, 1995 for the above-identified application.

Applicants also request amendment of the specification as follows:

Page 1, line 2, insert the following paragraph:

--The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.--

Respectfully submitted,

TOWNSEND and TOWNSEND KHOURIE and CREW

Date: 3/16/95

By: Vern Norviel

Vern Norviel  
Reg. No. 32,483

Enclosures:

1. Copy of Decision on Petition for Waiver
2. Five (5) sets of formal drawings  
(including color drawings)

VN:dc  
WORK/16528J/000180.P09

TOWNSEND and TOWNSEND KHOURIE and CREW  
Steuart Street Tower  
One Market  
San Francisco, CA 94105  
(415) 326-2400



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ASSISTANT SECRETARY  
OF PATENTS AND  
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DEPUTY ASST. COMM.

In re Application of  
Michael C. Pirrung et al.  
Serial No. 07/492,462  
Filed: March 7, 1990  
Attorney Docket No. 11509A11

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ON PETITION

This is a decision on the petition under 37 CFR 1.183, filed September 4, 1990, to suspend the requirements of 37 CFR 1.84.

The petition is granted.

Petitioner seeks to file color drawings in order to enable the identification of binding characteristics of immunoglobulin or the like via intensity plots.

It is appropriate to suspend the requirements of 37 CFR 1.84 and accept the color drawings since petitioner has submitted a set of five (5) drawings with figures 13A-13D, 15A-15B, 16, 17, 19 and 20 in color on DIN size A4 sheets, has described the color drawings in the specification, and has indicated that color drawings are necessary to adequately disclose the invention.

The application is being forwarded to Group 180.

Jeffrey V. Nase, Director  
Office of Petitions  
Office of the Assistant Commissioner  
for Patents



11509-A-1-1  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

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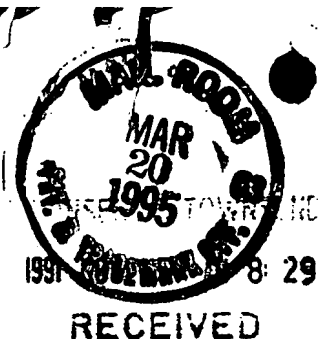
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Jeffrey V. Nase, Director  
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for Patents

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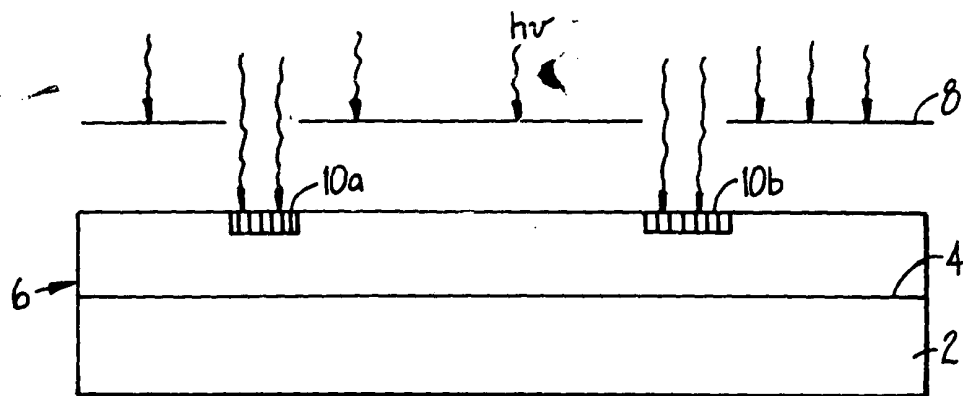


FIG. 1.

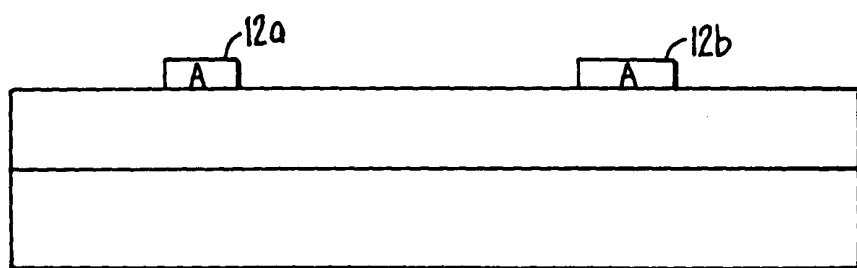


FIG. 2.

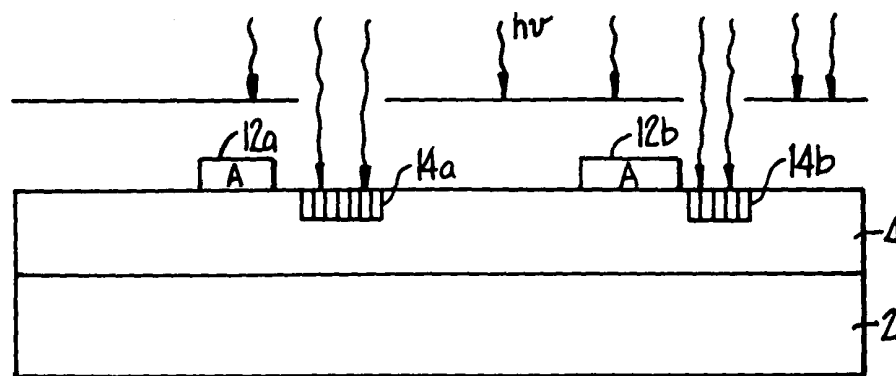


FIG. 3.

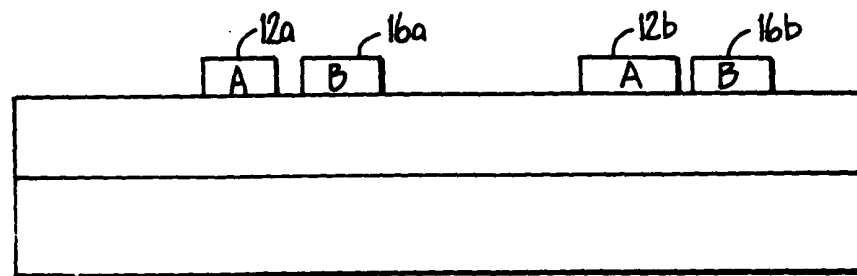


FIG. 4.

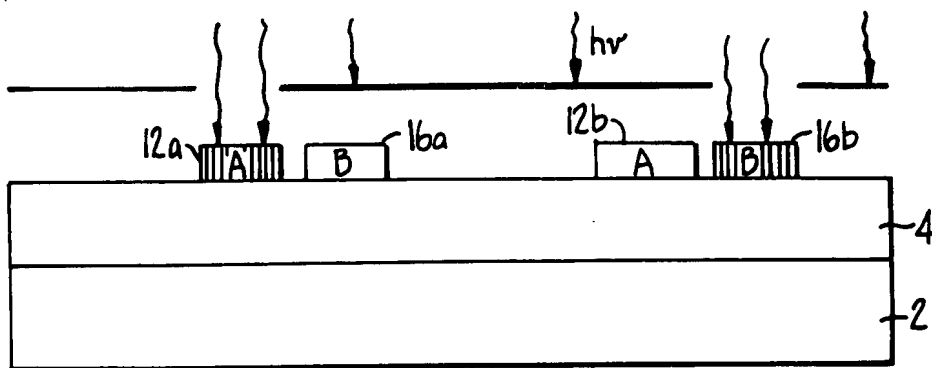


FIG. 5.

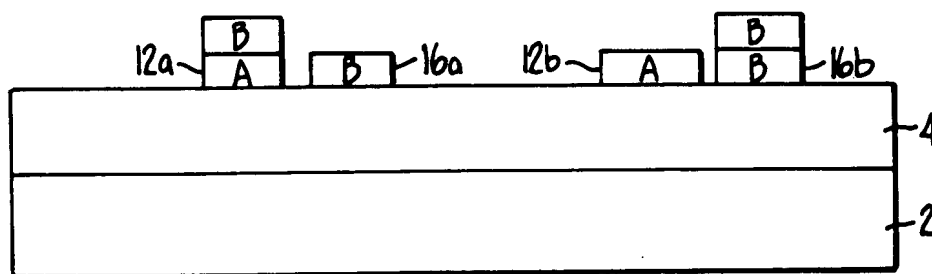


FIG. 6.

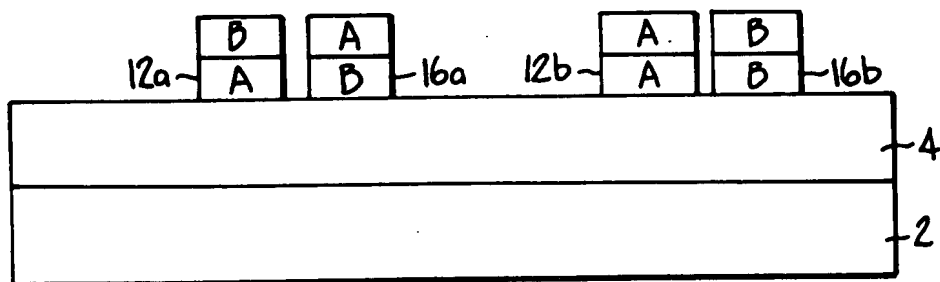


FIG. 7.

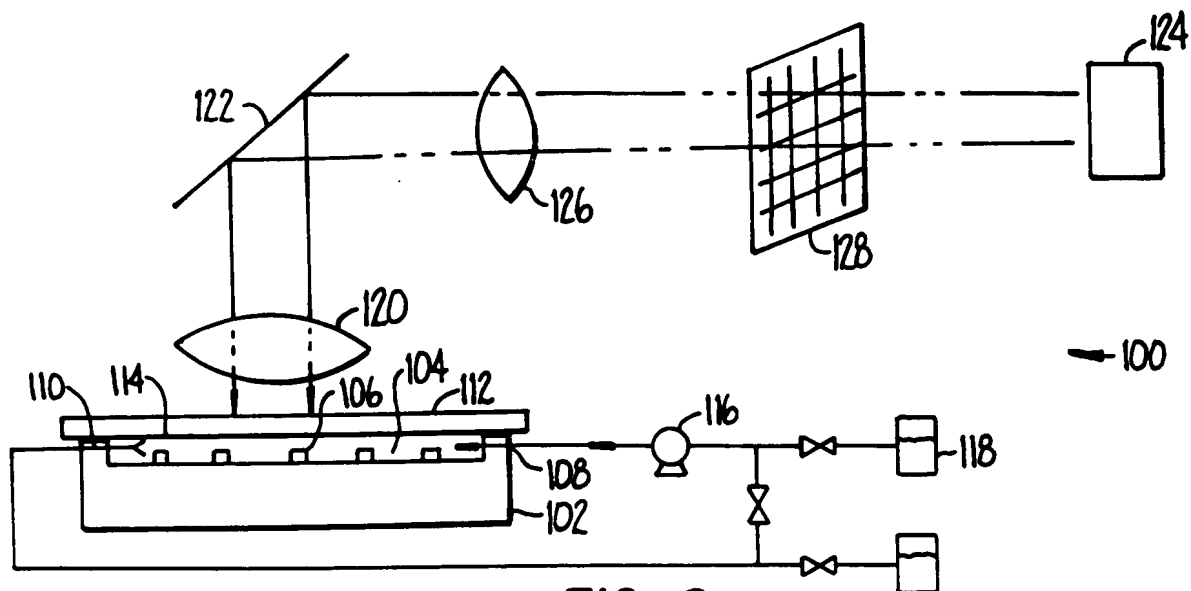


FIG. 8a.

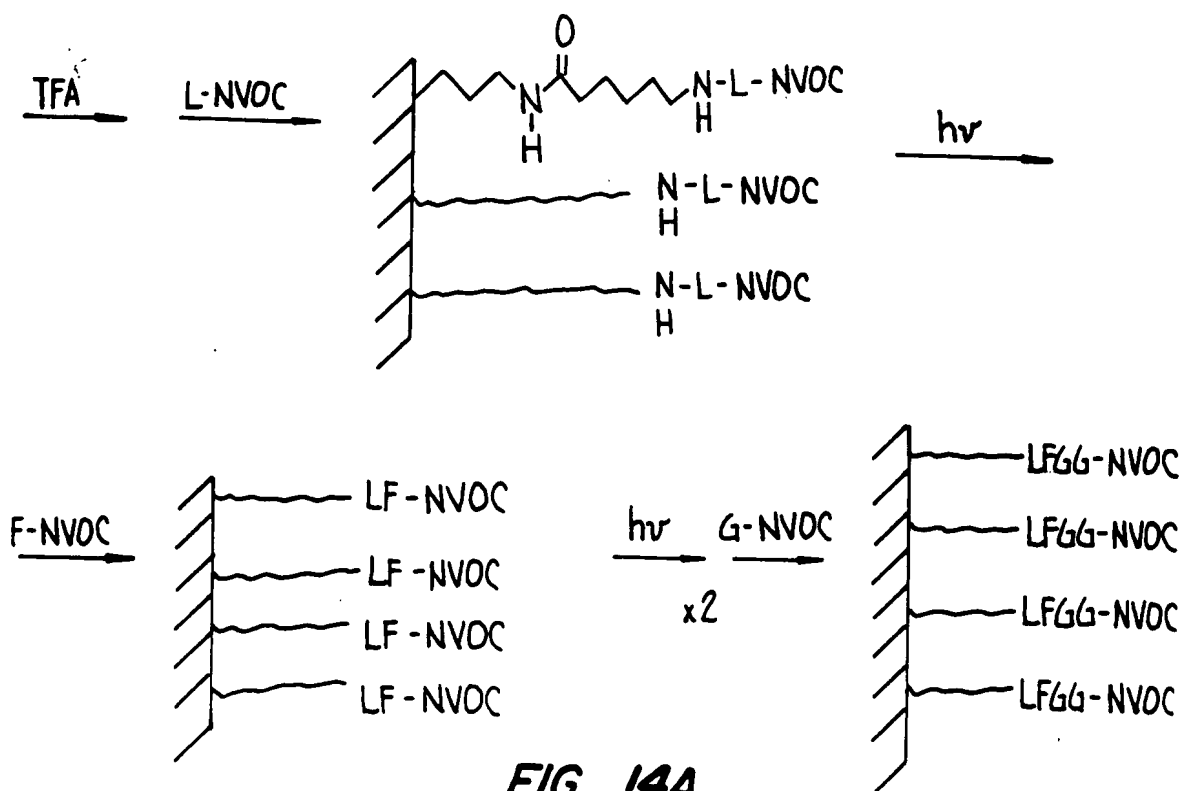
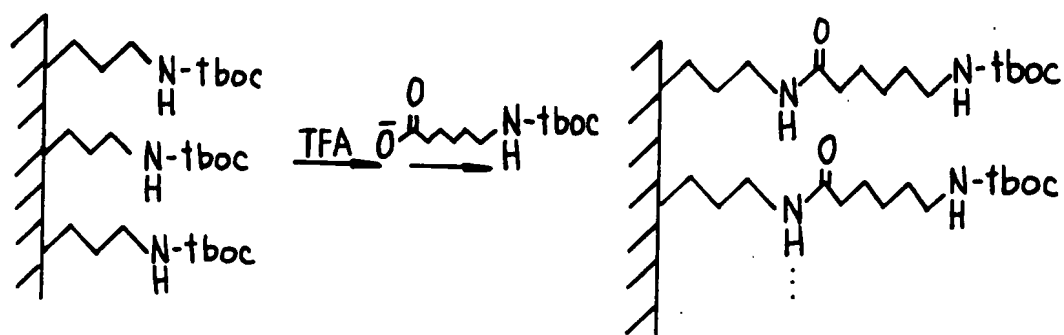
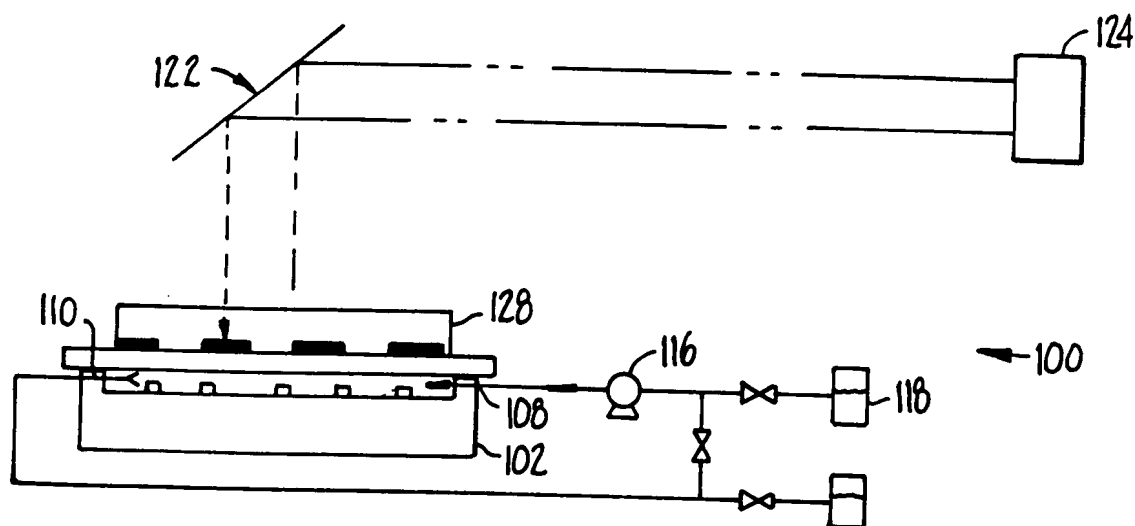


FIG. 14A.



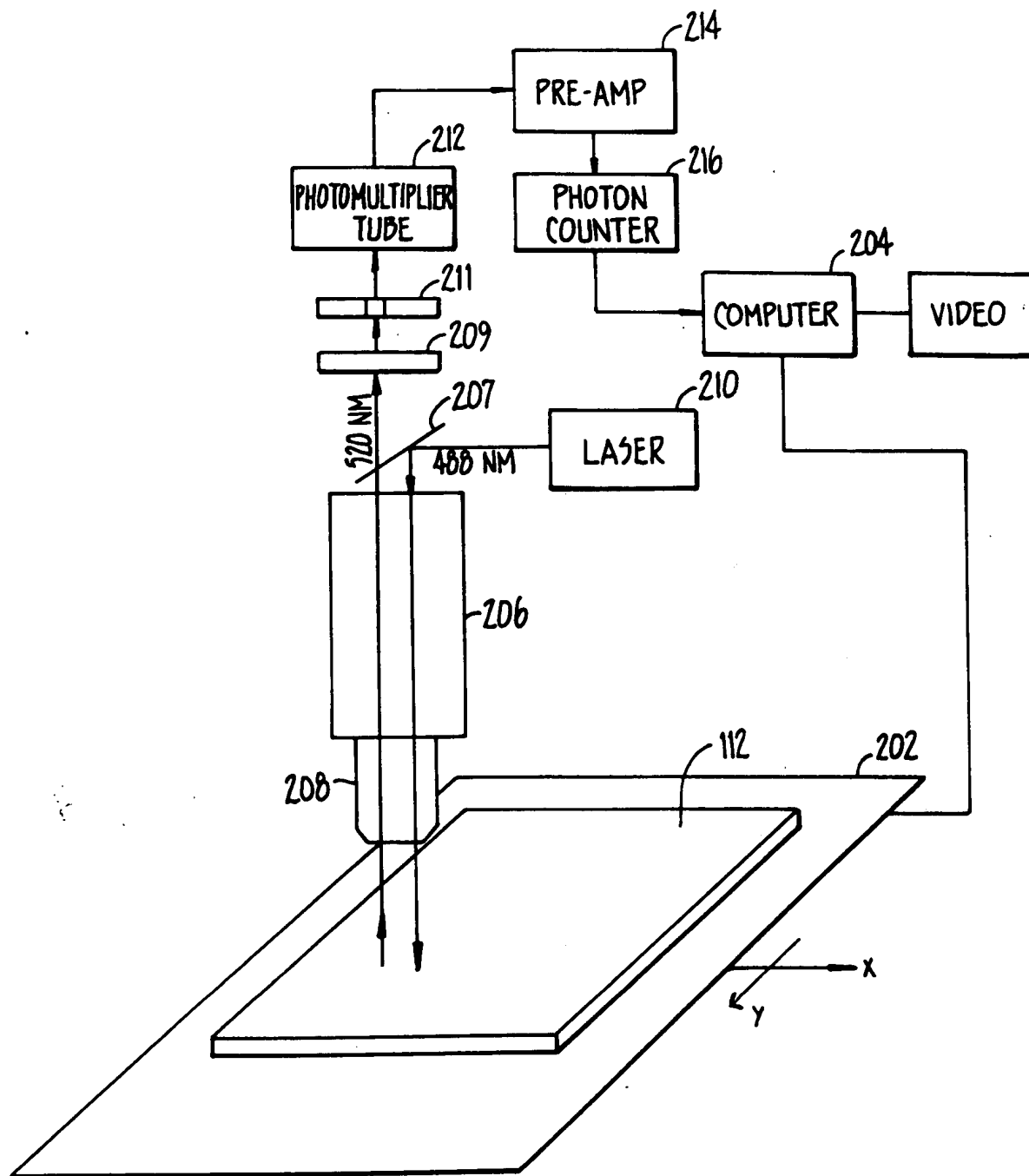


FIG. 9.

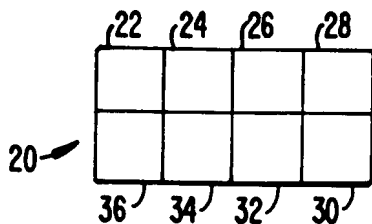


FIG. 10A.

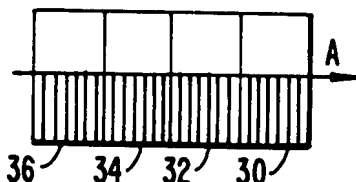


FIG. 10B.

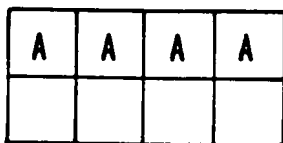


FIG. 10C.

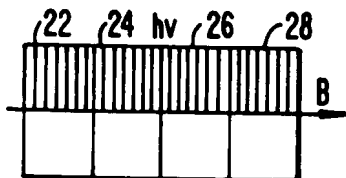


FIG. 10D.

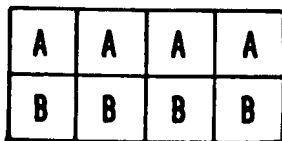


FIG. 10E.

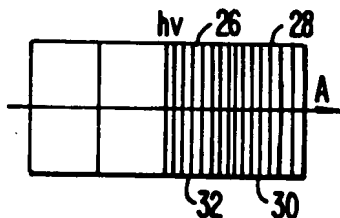


FIG. 10F.

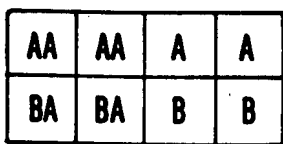


FIG. 10G.

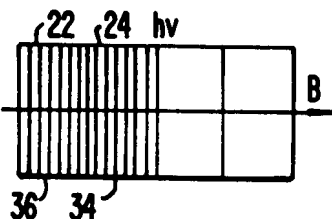


FIG. 10H.

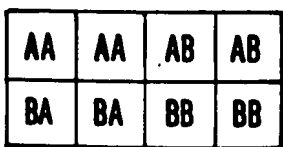


FIG. 10I.

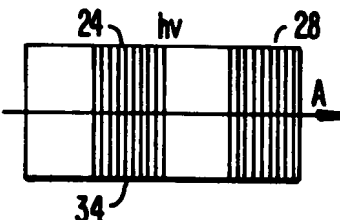


FIG. 10J.

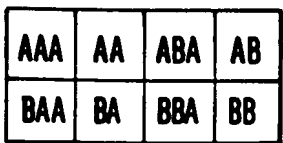


FIG. 10K.

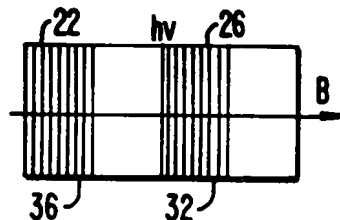


FIG. 10L.

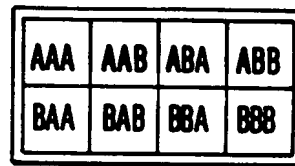
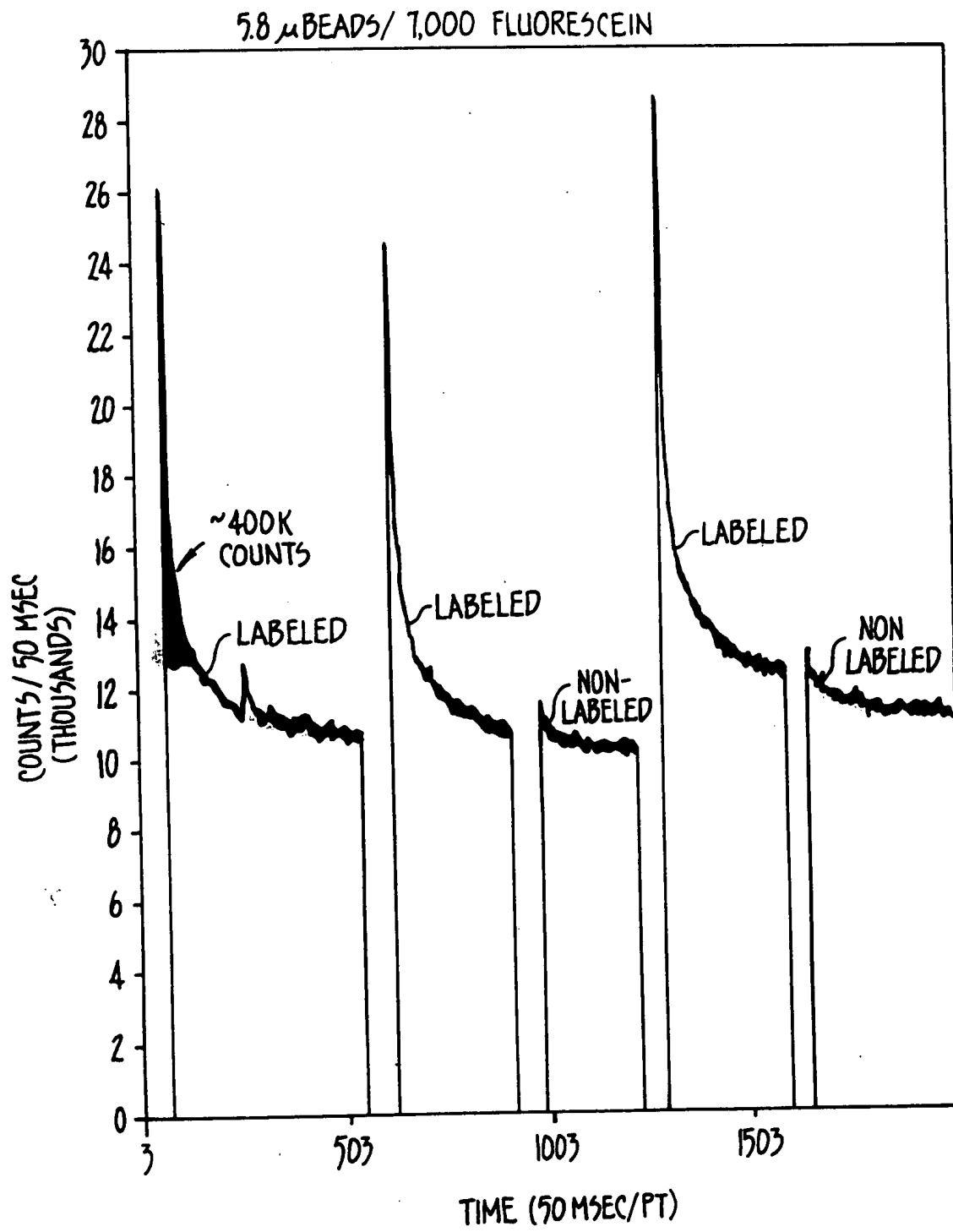


FIG. 10M.



$\sim 2 \times 10^{-6}$  CHROMOPHORE/A<sup>2</sup>

**FIG. IIA.**

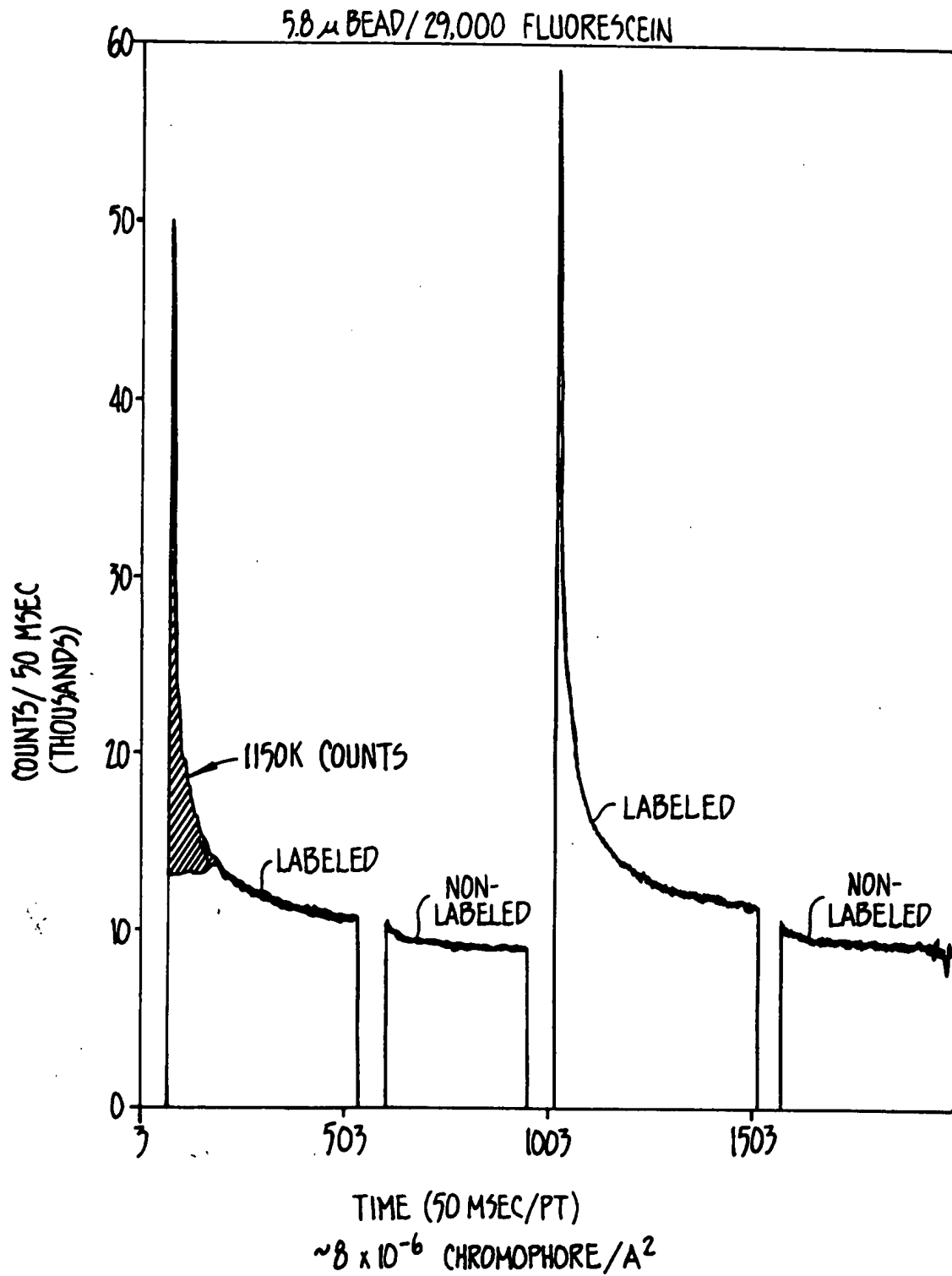
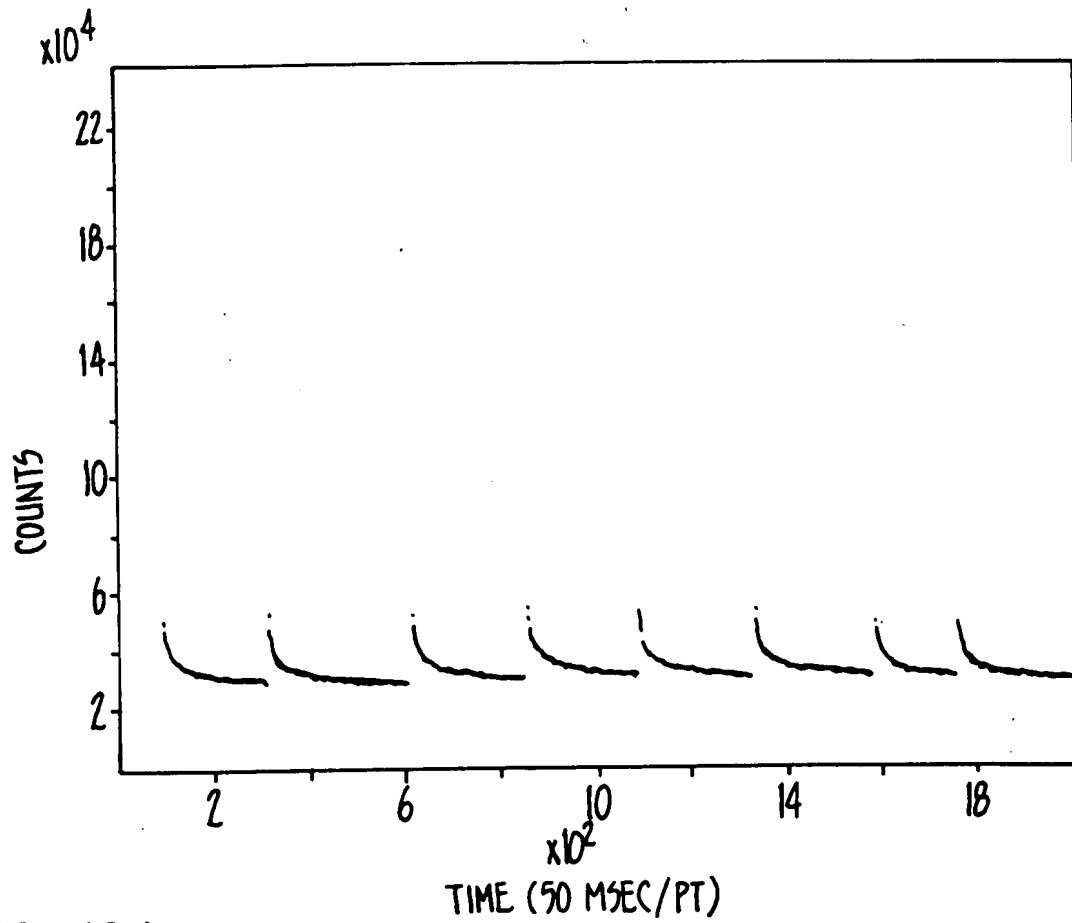
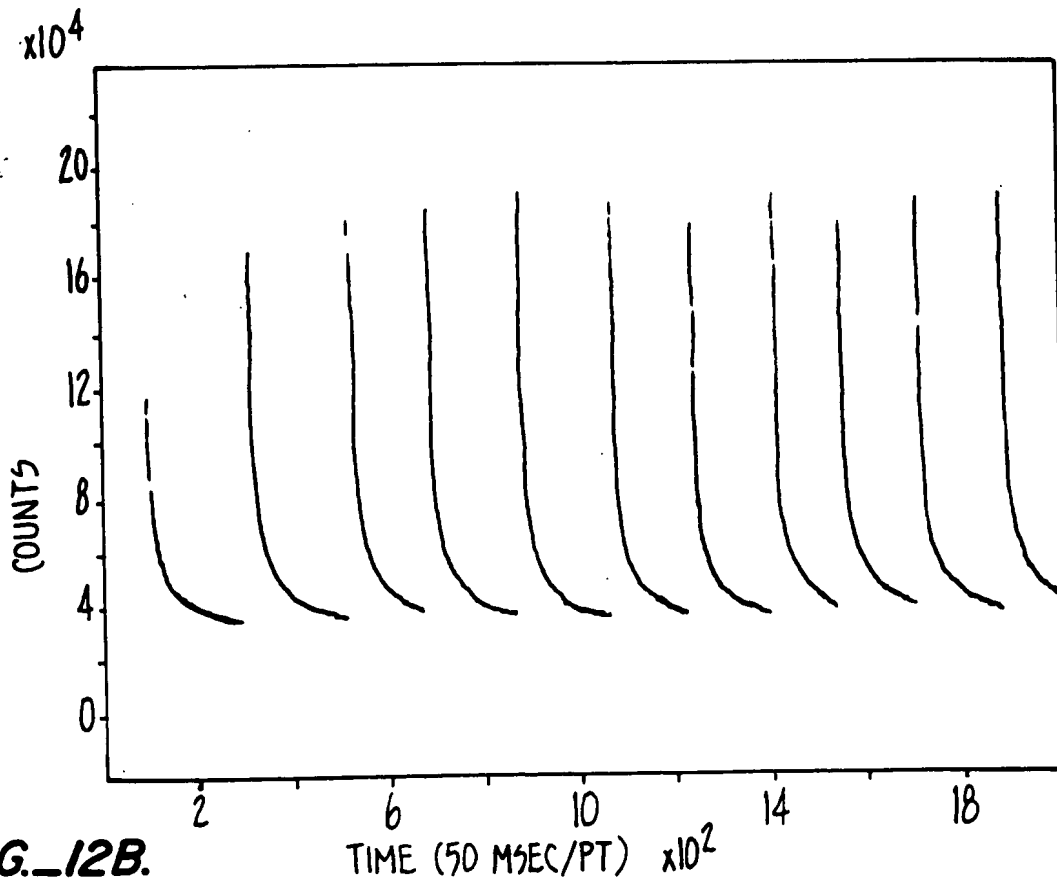


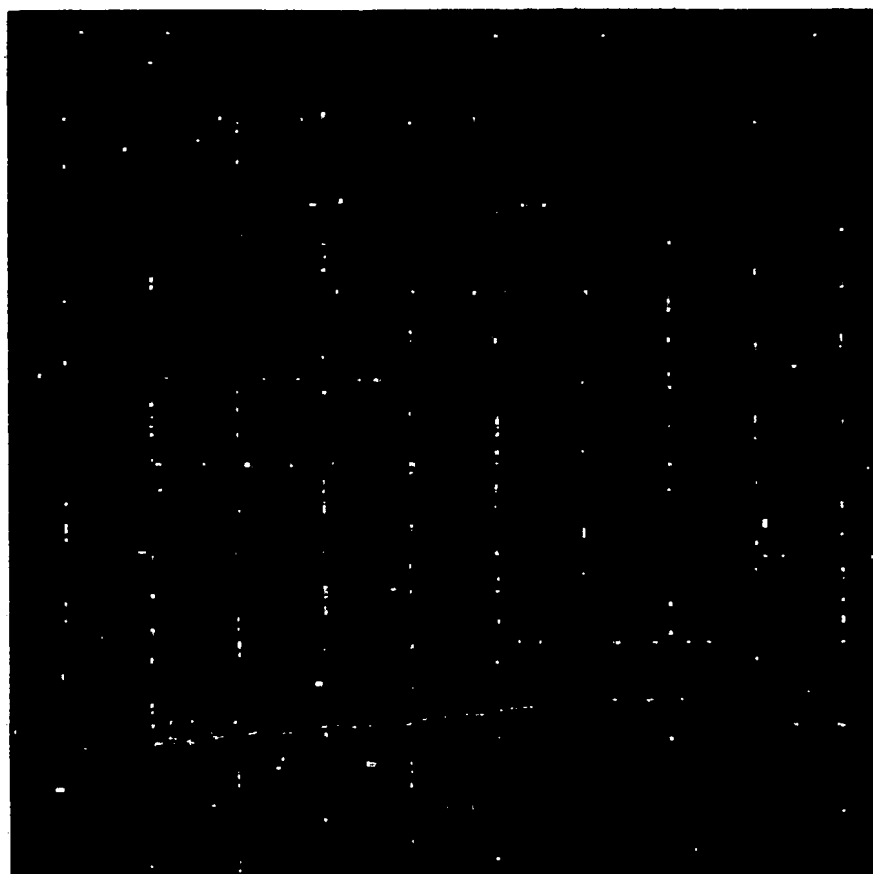
FIG. IIB.



**FIG. 12A.**



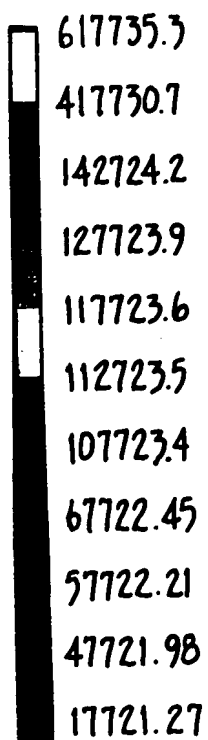
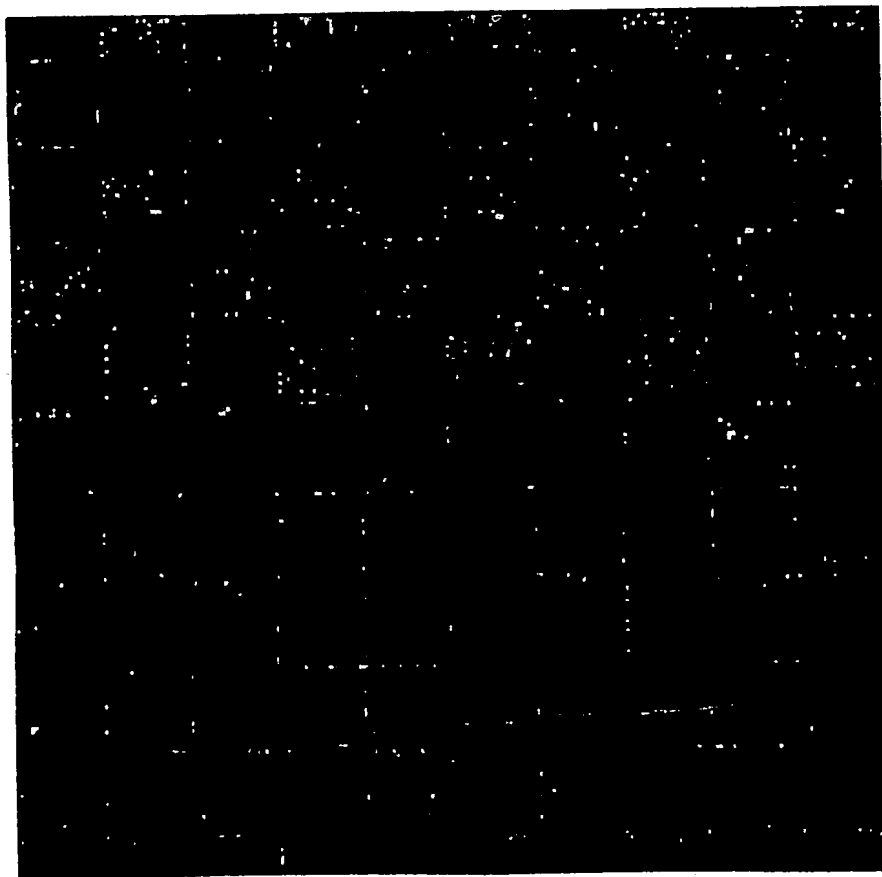
**FIG. 12B.**



1023027  
728188.3  
322785.5  
300672.6  
285930.7  
278559.7  
271188.8  
212221.1  
197479.2  
182737.3  
138511.5

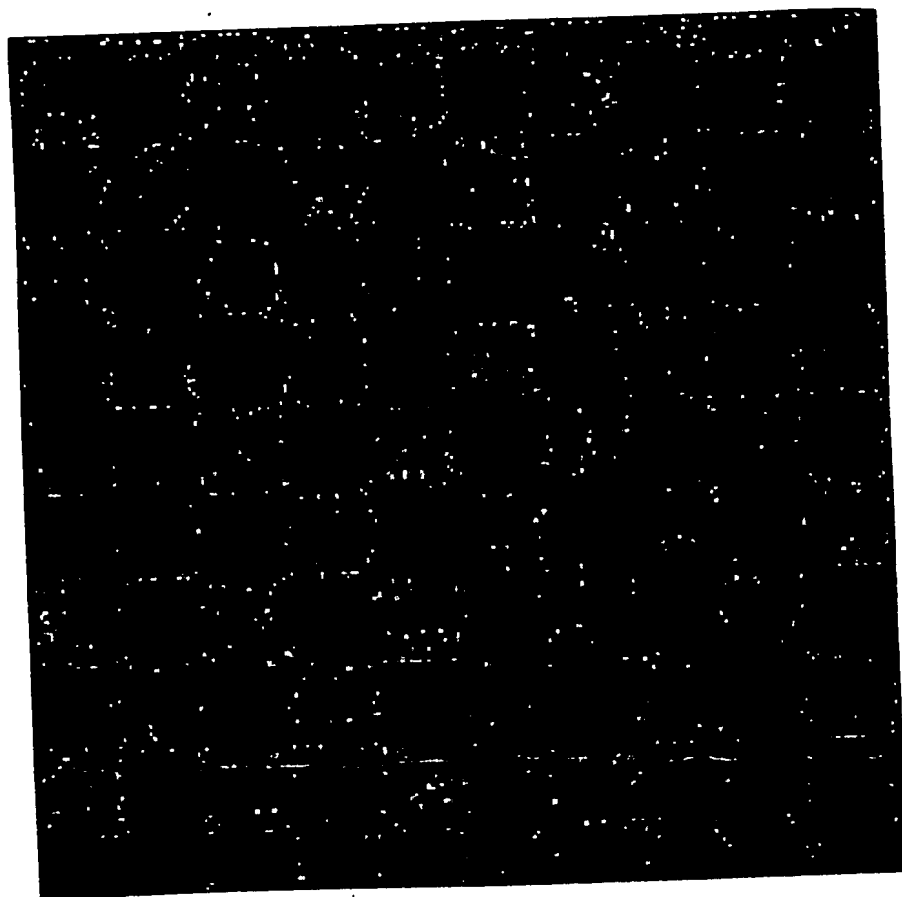
MEAN: 285930.7  
VAR: 2.173242E+10  
 $\sigma$ : 147419.2

**FIG. 13A.**



MEAN: 117723.6  
VAR: 1.000047E+10  
 $\sigma$ : 100002.3

**FIG.\_13B.**



- 552484.3

373317.4

126963

113525.5

104567.2

100000

95608.83

59775.46

50017.12

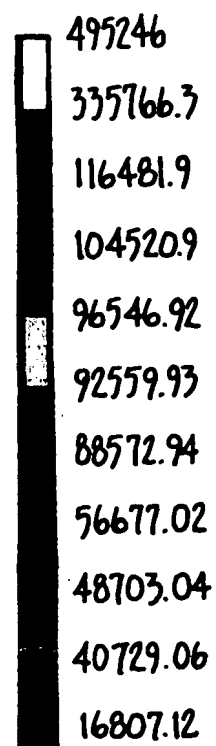
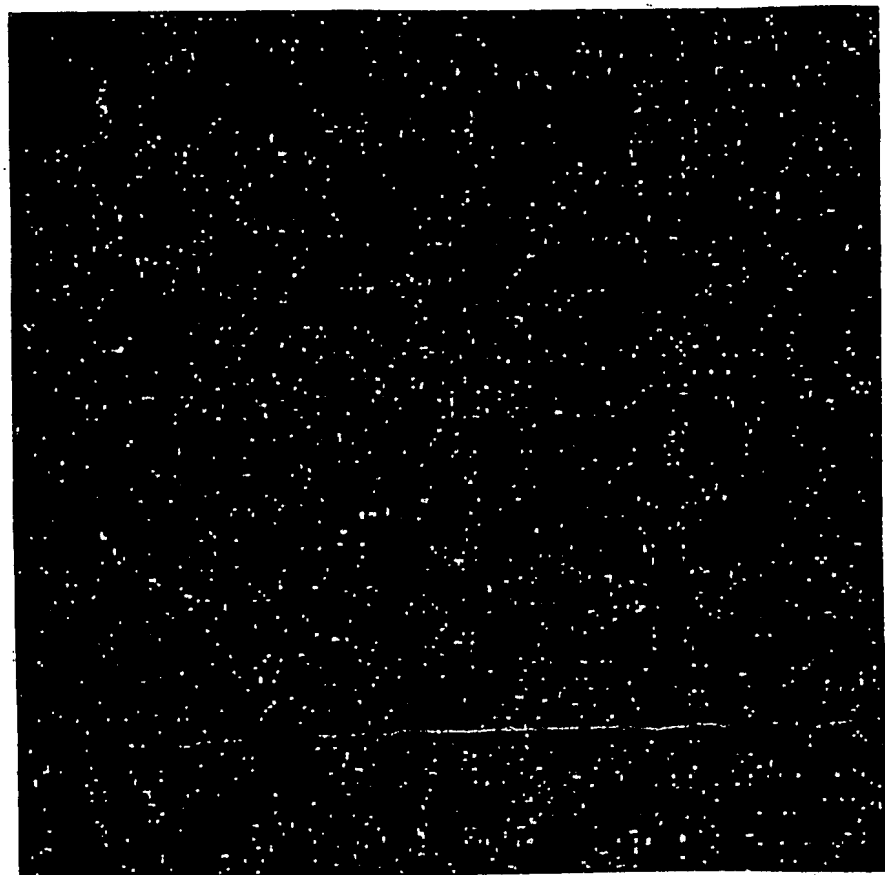
41858.78

14983.75

MEAN: 104567.2  
VAR: 8.025189E+09  
σ: 89583.42

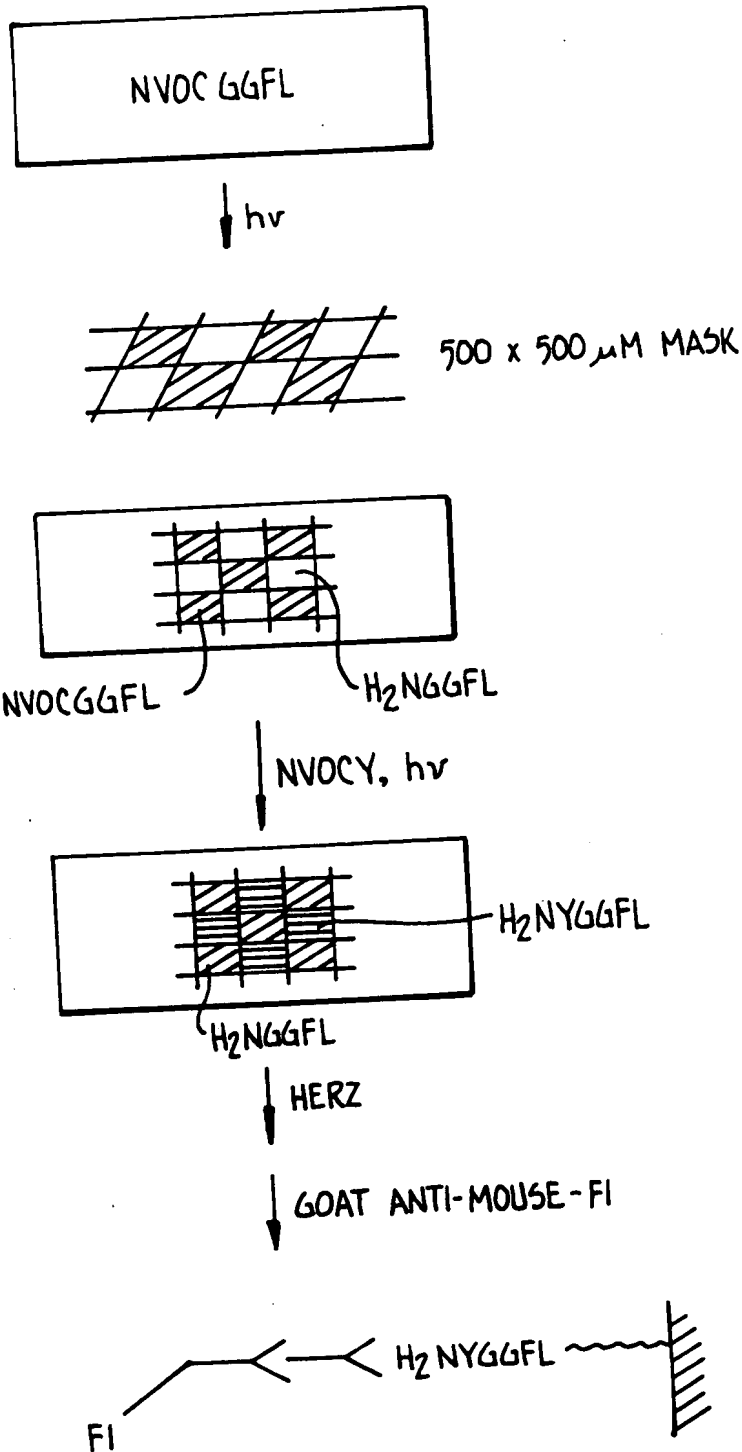
**FIG. 13C.**



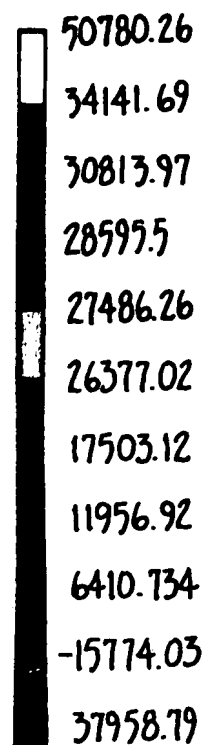
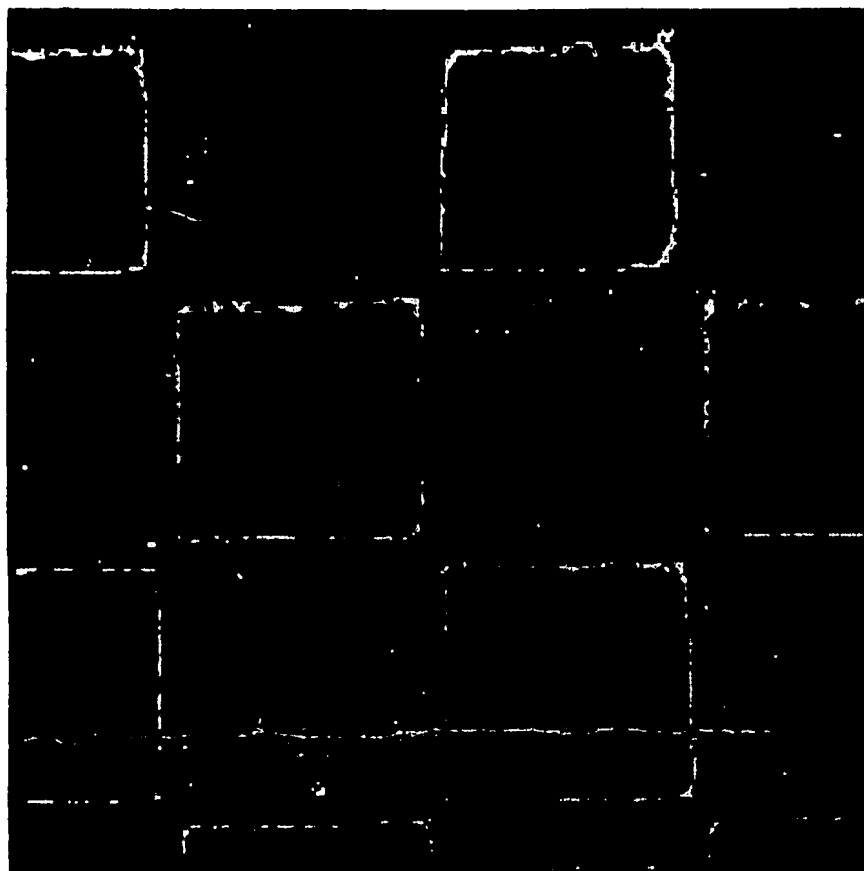


MEAN: 96546.92  
VAR: 6.358437E+09  
 $\sigma$ : 79739.8

**FIG. 13D.**

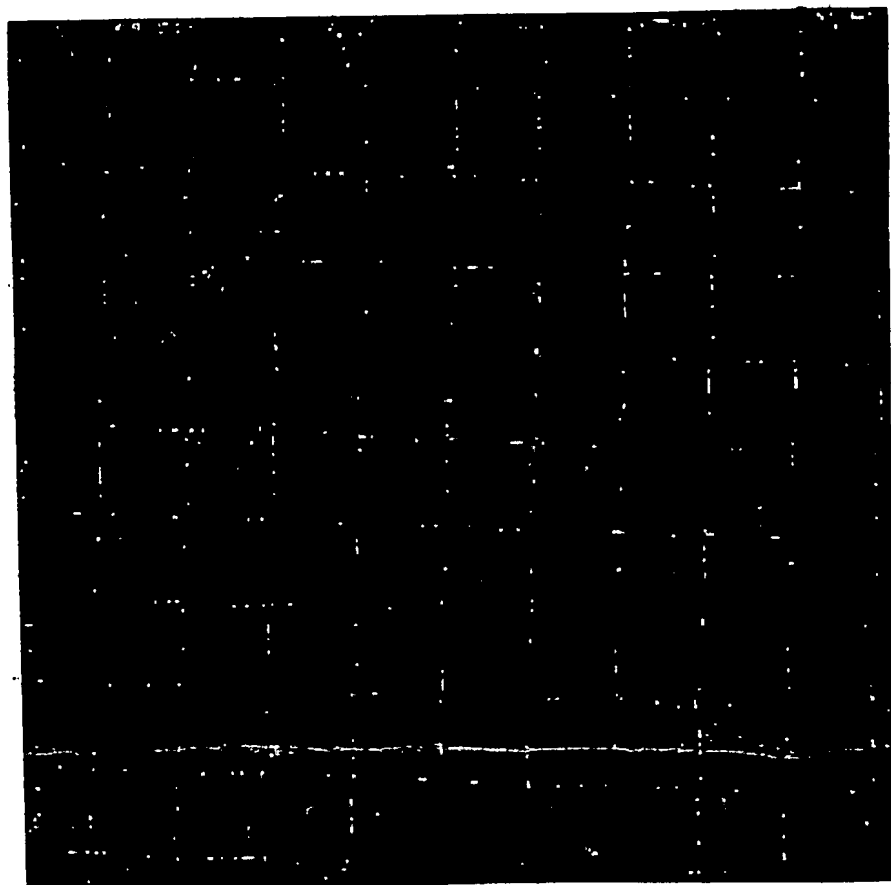


**FIG. 14B.**



MEAN: 28595.5  
VAR: 4.921637E+08  
 $\sigma$ : 22184.76

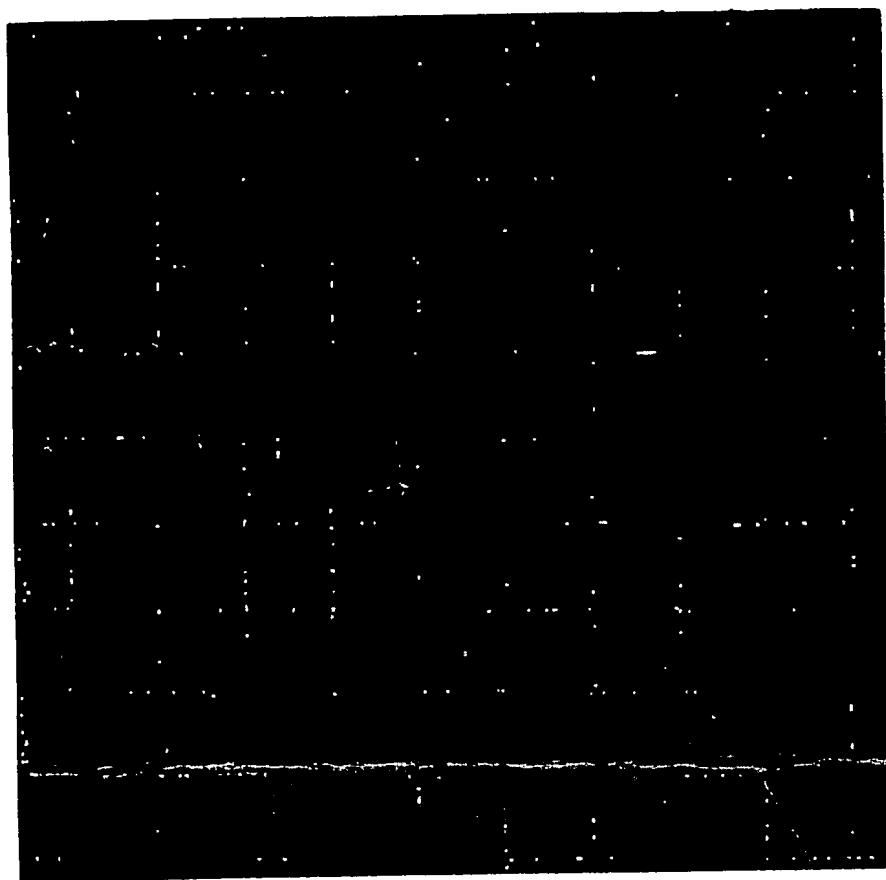
**FIG. 15A.**



879976.1  
600504.3  
216230.6  
195270.2  
181296.6  
174309.8  
167323  
111428.7  
97455.07  
83481.48  
41560.72

MEAN: 181296.6  
VAR: 1.952612E+10  
 $\sigma$ : 139735.9

**FIG. 15B.**



636588

428583.8

142577.9

126977.5

116577.3

111377.2

106177.1

64576.25

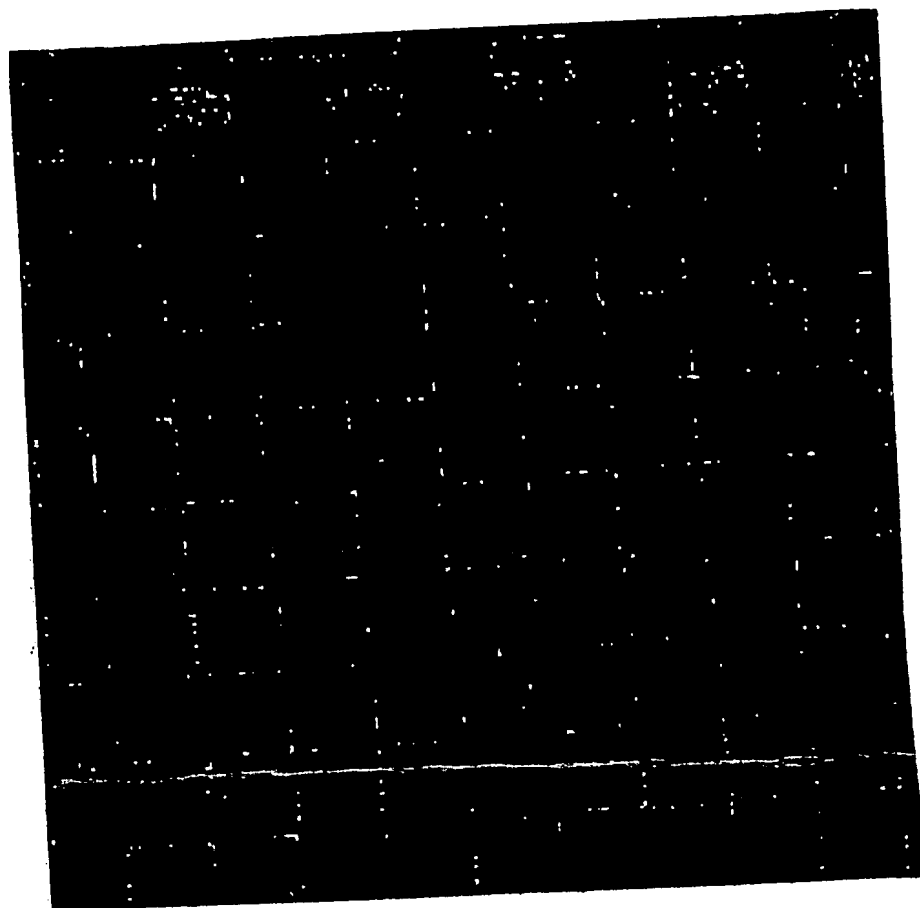
54176.03

43775.82

12575.18

MEAN: 116577.3  
VAR: 1.081645E+10  
 $\sigma$ : 104002.1

FIG. 16.



667348.3

453053

158397

142324.9

131610.1

126252.7

120895.3

78036.29

67321.52

56606.77

24462.47

MEAN: 131610.1  
VAR: 1.148062E+10  
 $\sigma$ : 107147.6

FIG.\_17.

P	A	S	G	
<u>L</u> P <sub>G</sub> FL	<u>L</u> A <sub>G</sub> FL	<u>L</u> S <sub>G</sub> FL	<u>L</u> G <sub>G</sub> FL	L
<u>F</u> P <sub>G</sub> FL	<u>F</u> A <sub>G</sub> FL	<u>F</u> S <sub>G</sub> FL	<u>F</u> G <sub>G</sub> FL	F
<u>W</u> P <sub>G</sub> FL	<u>W</u> A <sub>G</sub> FL	<u>W</u> S <sub>G</sub> FL	<u>W</u> G <sub>G</sub> FL	W
<u>Y</u> P <sub>G</sub> FL	<u>Y</u> A <sub>G</sub> FL	<u>Y</u> S <sub>G</sub> FL	<u>Y</u> G <sub>G</sub> FL	Y

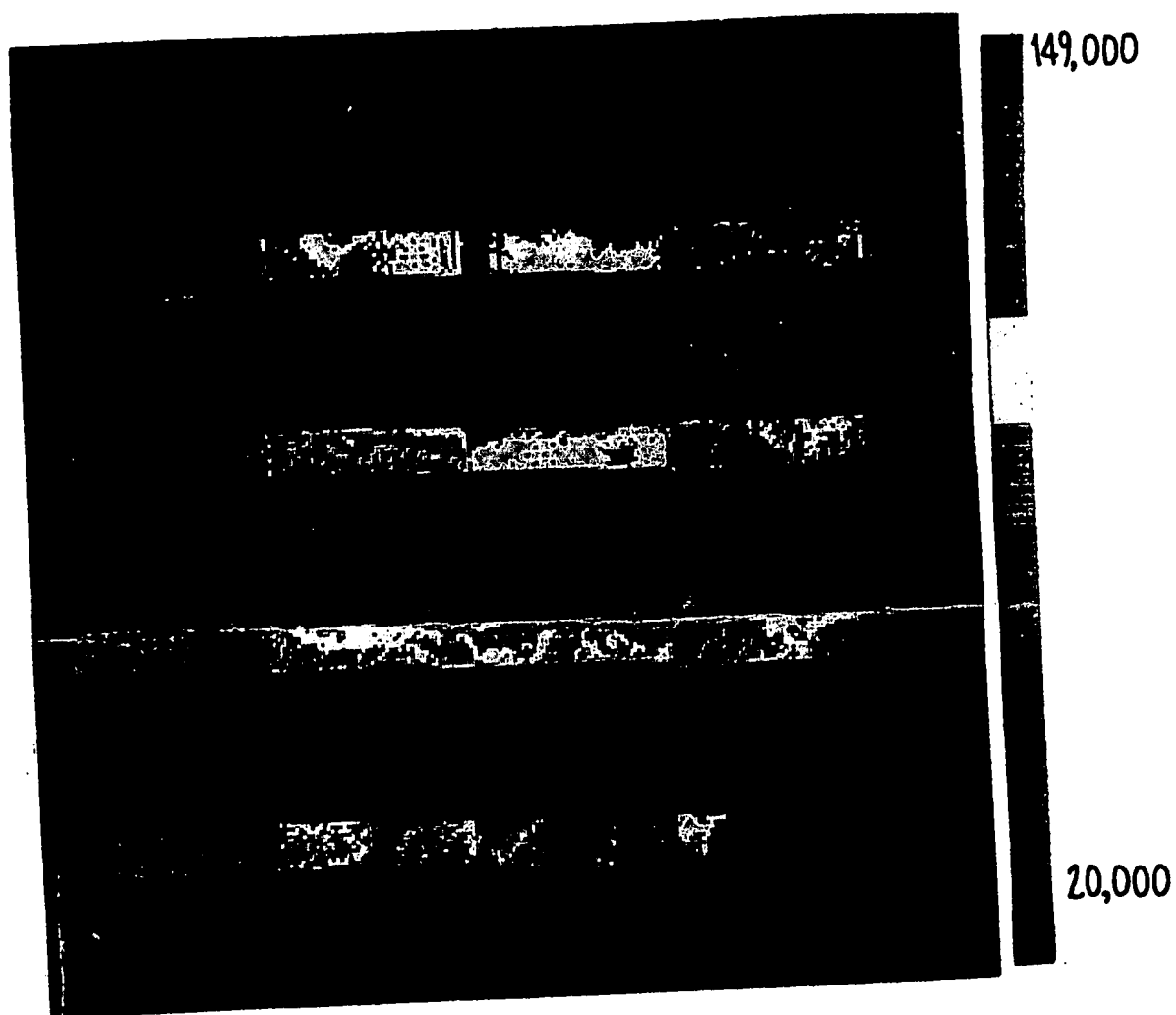
L SET

FIG. 18A.

p	a	s	g	
<u>Y</u> p <sub>G</sub> FL	<u>Y</u> a <sub>G</sub> FL	<u>Y</u> s <sub>G</sub> FL	<u>Y</u> g <sub>G</sub> FL	Y
<u>f</u> p <sub>G</sub> FL	<u>f</u> a <sub>G</sub> FL	<u>f</u> s <sub>G</sub> FL	<u>f</u> g <sub>G</sub> FL	f
<u>w</u> p <sub>G</sub> FL	<u>w</u> a <sub>G</sub> FL	<u>w</u> s <sub>G</sub> FL	<u>w</u> g <sub>G</sub> FL	w
<u>y</u> p <sub>G</sub> FL	<u>y</u> a <sub>G</sub> FL	<u>y</u> s <sub>G</sub> FL	<u>y</u> g <sub>G</sub> FL	y

D SET

FIG. 18B.



*FIG. 19.*



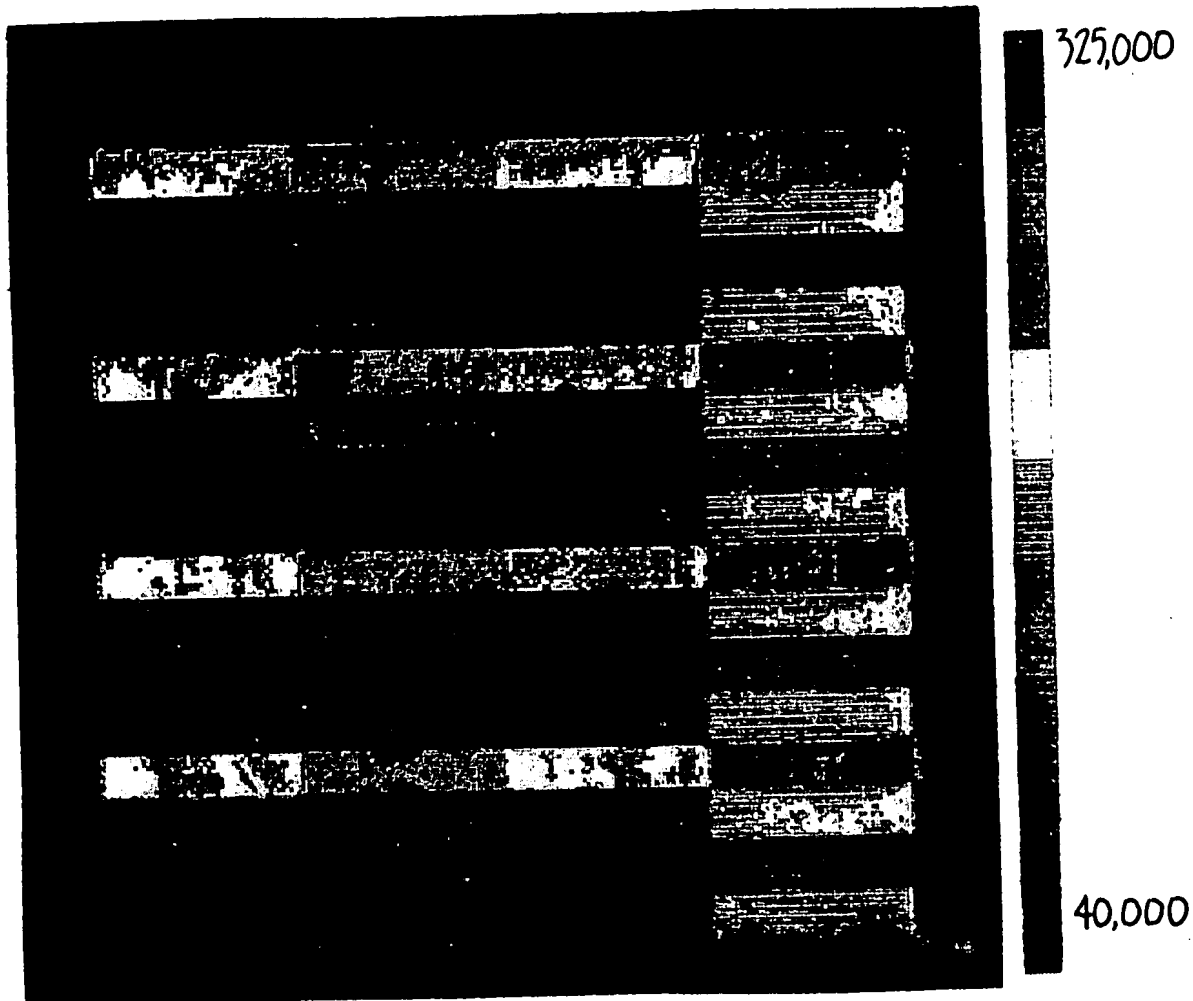


FIG.\_20.

**PART B—ISSUE FEE TRANSMITTAL**

**ILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE-FEE. Blocks 2 through 6 should be completed where appropriate. Further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to addressee entered in Block 1 unless you direct otherwise, by: (a) specifying a new correspondence address in Block 3 below; or (b) providing the PTO with a separate mailing label for maintenance fee notifications with the payment of Issue Fee or thereafter. See reverse for Certificate of Mailing.



1. CORRESPONDENCE ADDRESS  
TOWNSEND AND TOWNSEND  
STUART STREET TOWER  
ONE MARKET PLAZA  
SAN FRANCISCO, CA 94105

2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change)

INVENTOR'S NAME: GREEN, L

Street Address: \_\_\_\_\_

City, State and ZIP Code: \_\_\_\_\_

CO-INVENTOR'S NAME: \_\_\_\_\_

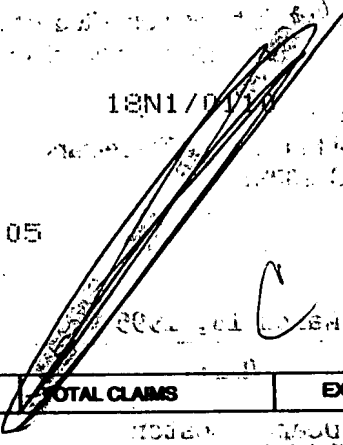
Street Address: \_\_\_\_\_

City, State and ZIP Code: \_\_\_\_\_

☐ Check if additional changes are on reverse side

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#28



SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/954,646	09/30/92	010	GREEN, L 1802	01/10/95
First Named Applicant	FODOR, STEPHEN P.A.			

TITLE OF INVENTION: **OLIGONUCLEOTIDES**  
**ARRAY OF ELIGONCEOTIBES ON A SOLID SUBSTRATE**  
(AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 11509-57-5	436-006.000	H84	UTILITY	YES	\$1,210.00	04/10/95

3. Correspondence address change (Complete only if there is a change)  
TOWNSEND and TOWNSEND KHOURIE and CREW  
Steuart Street Tower  
One Market  
San Francisco, CA 94105

4. For printing on the patent front page, list the names of not more than 3 registered patent attorneys or agents OR, alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed.

TOWNSEND and TOWNSEND  
1 KHOURIE and CREW  
2 \_\_\_\_\_  
3 \_\_\_\_\_

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**5. ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (print or type):**

(1) NAME OF ASSIGNEE:  
**AFFYMAX TECHNOLOGIES N.V.**

(2) ADDRESS: (CITY & STATE OR COUNTRY)  
**De Ruyderkade 62, Curacao, Netherlands Antilles**

- A. ☐ This application is NOT assigned.  
☒ Assignment previously submitted to the Patent and Trademark Office.  
☐ Assignment is being submitted under separate cover. Assignments should be directed to Box ASSIGNMENTS.

**PLEASE NOTE:** Unless an assignee is identified in Block 5, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

**6a. The following fees are enclosed:**

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